

CRB

Agenda
Citizen's Review Board Meeting
Old City Hall, 510 Greene Street

Monday, December 19, 2005 – 6:00PM

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLIGIANCE
4. APPROVAL OF MINUTES
 - a. November 21, 2005
5. CHANGES TO THE AGENDA
6. PUBLIC INPUT
7. COUNSEL'S REPORT
8. EXECUTIVE DIRECTOR'S REPORT
 - a. NACOLE report
9. CHAIRMAN'S REPORT
 - a. Spokesperson for the board – reminder
10. COMPLAINT REVIEWS
 - a. Knowles file review
11. NEW BUSINESS
 - a. Determining levels of complaints
12. MEDIA AND PRESS QUESTIONS
13. ADJOURNMENT

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Monday, December 19, 2005

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Monday, December 19, 2005.

Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Lou Hernandez and Board Members Adare Fritz, Charles Lee, Larry Maas, Jim Thornton and Susan White

Also present was Attorney Robert Cintron, Executive Director Vicki Grant, and Det. Lt. Benkoczy.

Absent: Tony Estenoz

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Lou Hernandez presented the minutes of November 21, 2005. Charles Lee moved to approve. Adare Fritz seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Lou Hernandez presented the agenda. Hearing no objections the agenda was approved.

Public Input

Dennis Cooper Key West

Counsel's Report

Counselor Robert Cintron reported on the standards that apply when officers from other jurisdictions respond to mutual aid request from Key West because of a State of Emergency. The officers operate based on the training they received and the use of force matrix used at the department where they are employed. The board expressed concern about the use of tasers in Key West by outside officers. Counsel informed the board that if they receive a complaint against an officer who is from another County, the CRB may not have jurisdiction over that officer. The board directed the executive director to request a copy of the arrest report of a man that was tasered in Key West by an officer from Brooksville, Florida. After reviewing the file the board will discuss a possible policy recommendation to the Chief.

Executive Director's Report

Grant presented a short brief on the Nacole conference. Several board members shared what they learned at the conference and noted that they were impressed with the professionalism and level of effort exercised by other CRB's when investigating complaints.

Grant informed the board that the investigator the board has hired has read the Bernhardt file and has submitted that he thinks he can complete the investigation for approximately \$300.00 if all witnesses cooperate. Board member Larry Maas moved to hire the investigator to investigate the Bernhardt complaint as he proposed. Adare Fritz seconded. Chairman Hernandez called the vote.

Yeas: Adare Fritz, Charles Lee, James Thornton, Susan White, Larry Maas and Lou Hernandez

Nays: None

Motion carried.

Chairman's Report

Chairman Lou Hernandez reminded the board that the Executive Director and the Chairman is the spokes person's to the press and complainant's on behalf of the board. This concern was brought about because complainant's have been trying to call board members.

Hernandez also addressed the importance of board attendance at meetings. He suggested the board may want to consider another attendance policy. No action was taken.

The board discussed options for community awareness of the Citizen Review Board to include more press, radio interviews on the Bill Becker show and submitting reports from the Nacole conference with quotes from board members in attendance.

Complaint Reviews

a. Vice Chairman Charles Lee led the discussion concerning the Knowles file. The board discussed drafting a letter of recommendation to the Chief but determined that they preferred a professional opinion before moving forward. Cintron pointed out that Mr. Knowles statement is not in the file. Board member Susan White moved to hire the investigator to go through the material and give the board a report and Vicki should give the investigator any information she deems appropriate. Larry Maas seconded. Discussion: Cintron informed the board that they can talk to the investigator if there is any thing in particular they want him to look in to. Chairman Hernandez called the vote.

Yeas: Adare Fritz, Charles Lee, James Thornton, Susan White, Larry Maas and Lou Hernandez

Nays: None

Motion carried.

Vice Chairman Charles Lee requested that the CRB disclose that they are aware that the former Chairman is mentioned in the file as filing a complaint against one of the officers involved in the

incident and for the record to show that the CRB is not looking into this case for that reason. The board members voted to look at this case initially without that knowledge.

New Business

Grant distributed a procedure utilized by the IRP in Miami to establish levels of complaints and how to proceed based on that level. Grant requested that the board read the information and consider developing policy and procedure that will streamline the board workload and case load.

Board member Susan White distributed a Supreme Court decision regarding anonymous tips for the board's information and consideration. The board discussed how this related to the two cases they have reviewed that involved anonymous tips resulting in weapons drawn on the defendant. White requested that the board read the case and to consider a recommendation to the Chief of Police referencing additional training for dispatchers and officers regarding this issue.

Media and Press

Dennis Cooper addressed the board.

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:30 p.m.

Respectfully submitted by


Vicki Grant, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
MONDAY, NOVEMBER 21, 2005

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Monday, November 21, 2005.

Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Lou Hernandez and Board Members Charles Lee, Larry Maas and Susan White

Also present was Attorney Robert Cintron, Executive Director Vicki Grant, and Det. Lt. Benkoczy.

Absent: Tony Estenoz, Adare Fritz, and Rev. James Thornton

All present pledged allegiance to the flag of the United States of America.

Chairman Lou Hernandez turned the gavel over to Vice Chairman Charles Lee.

Approval of Minutes

Vice Chairman Charles Lee presented the minutes of October 13, 2005. Hearing no objections the minutes were approved.

Approval of Agenda

Vice Chairman Charles Lee presented the agenda. Lee proposed rearranging the order the board reviews the cases on the agenda. Hearing no objections the agenda was approved.

Public Input

Terry Raymond Key West

Counsel's Report

Counselor Robert Cintron informed the board that he did not have a report.

Executive Director's Report

Grant reminded the board that the Nacole conference is rescheduled for December 11-14, 2005.

Grant informed the board that the revised complaint evaluation form is a "living" document and that their comments and suggestions are encouraged.

Chairman's Report

Vice Chairman Charles Lee informed the board that IA has provided the CRB with the Knowles file as of this day, November 21, 2005. Lee suggested that the board ask former board member Todd German to review the file and have the Executive Director include German's comments in the file summary that is distributed to the board. The board was in agreement.

Complaint Reviews

a. Executive Director Grant read a letter addressed to the board from Mr. Bernhardt requesting that the board defer reviewing his complaint until January when he can be present. Board member Lou Hernandez led the discussion concerning the complaint filed by Mike Bernhardt, CRB#05- 011. Hernandez moved to hire the CRB investigator to ~~the~~ investigate the case. Larry Maas seconded. Discussion: Counsel cautioned that hiring the investigator may be costly. The board agreed to get an estimate before proceeding. Hernandez withdrew his motion.

Board member Larry Maas moved to approve IA's report and accept the Finding. Susan White seconded. Discussion: Counselor Cintron recommended to the board to consider the complainant's request to defer the review until the January meeting. Maas pointed out that there is a perception of Internal Affairs investigating themselves. Vice Chairman Lee called the vote.

Yeas: None

Nays: Charles Lee, Susan White, Larry Maas, and Lou Hernandez

Motion Failed.

The board directed the executive director to obtain a quote from the investigator before the December 8 meeting. The board also directed the executive director to send a letter to Mr. Bernhardt requesting that he provide the CRB with the evidence he mentions in his letter to the board, in writing, before the January 12, 2006 board meeting.

b. Vice Chairman Charles Lee opened the discussion concerning complainant Terry Raymond. Mr. Raymond addressed the board. Board member Larry Maas moved to accept the finding of the Key West Police Department as a court issue. Lou Hernandez seconded. Discussion: Susan White pointed out that the complaint also alleges abuse of authority by the officer. The board was in agreement that the officer did not abuse her authority but was operating under proper procedures. The board determined that the complainant would be better served by presenting his case to a code enforcement hearing officer or to a court if he chooses to litigate the issue. Vice Chairman Charles Lee called the vote.

Yeas: Charles Lee, Susan White, Larry Maas, and Lou Hernandez

Nays: None

Motion Carries.

c. Board member Susan White led the discussion concerning the complaint filed by Lisa Burnette. The board reviewed IA's response to the board's letter recommending that IA investigate the complaint. Board members Larry Maas moved that after careful review the board is not able to determine if procedures were followed with clarity because of the time that has gone by since the incident. This file is now closed. Lou Hernandez seconded. Vice Chairman Charles Lee called the vote.

Yeas: Charles Lee, Susan White, Larry Maas, and Lou Hernandez

Nays: None

Motion Carries.

d. Board member Susan White led the discussion concerning the complaint filed by Eugene Govan. White commented that IA completed a thorough investigation. White moved to accept Internal Affairs' report and findings. Larry Maas seconded. Vice Chairman Charles Lee called the vote.

Yeas: Charles Lee, Susan White, Larry Maas, and Lou Hernandez

Nays: None

Motion Carries.

e. Board member Lou Hernandez led the discussion concerning the complaint filed by Steve Lecklitner. Board member Hernandez moved that the CRB not accept the case due to the age of the case. Larry Maas seconded. Discussion: The board determined that the complainant has pursued his grievances through the court system. The board recognized that the only person remaining at the police department named in the complaint is no longer with the Department of Professional Standards Office of Internal Affairs. Vice Chairman Charles Lee called the vote.

Yeas: Charles Lee, Susan White, Larry Maas, and Lou Hernandez

Nays: None

Motion Carries.

New Business

Board member Susan White led a discussion concerning the use of tasers by other police agencies assisting in operations in the City of Key West. Her discussion was initiated by a local news article reporting that an officer tasered an arrestee within the City limits. Det. Lt. Benkoczy informed the board that other agencies providing mutual aid operate under their own policies and procedures. He also informed the board that the County is going to begin using tasers in the near future but the City has elected not to. White suggested that the board look into information provided by the IACP. Grant was directed to invite the Monroe County Sheriff to address the board about their decision to use tasers.

Vice Chairman Lee handed Grant a news article reporting a death in Ft. Lauderdale following the individual getting tasered and requested that she obtain the autopsy report and bring this report to the board. Counsel agreed to look into the current policy regarding other agencies using tasers while in Key West as well as which policies they follow.

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:52 p.m.

Respectfully submitted by


Vicki Grant, Executive Director

MINUTES
CITIZEN REVIEW BOARD MEETING
CRB OFFICE, 417 EATON STREET
THURSDAY, OCTOBER 13, 2005

A meeting of the Citizen Review Board of the City of Key West, Florida was at Old City Hall at 510 Greene Street on Thursday, October 13, 2005.

Vice Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Vice Chairman Charles Lee and Board Members Tony Estenoz, Adair Fritz, Jim Thornton and Susan White

Also present was Attorney Robert Cintron, Executive Director Vicki Grant, Lt. Ream and Lt. Benkoczy.

All present pledged allegiance to the flag of the United States of America.

Lt. Ream introduced Lt. Benkoczy who will begin as the new director of the Department of Professional Standards effective October 24, 2005.

Approval of Minutes

Vice Chairman Charles Lee presented the minutes of August 11, 2005. Tony Estenoz moved to approve. Adare Fritz seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Vice Chairman Charles Lee presented the agenda. Lee proposed moving the Vice Chair's report to follow the Approval of Agenda. Hearing no objections the agenda was approved.

Chairman's Report

Vice Chairman Charles Lee called on Todd German to address the history of ongoing file requests submitted to the KWPD. German specifically addressed the requests for the Knowles file. On November 1, 2004 the CRB requested an investigation into the arrest of Mr. Knowles. IA has 45 days to complete an investigation unless they can show that the investigation is ongoing. He encouraged the board to stay on top of lengthy, ongoing investigations. Lt. Ream informed the board that she believed that the board did not want a file until it was complete. The City Attorney advised IA not to issue finding on this case because it had already been litigated. Attorney Cintron advised the board that he will contact the City Attorney to find out if there is anything in this case that would prevent IA from issuing a finding and if there are any restrictions that the CRB should

follow. The board then directed the Executive Director to retrieve the file from IA immediately.

The CRB received a complaint filed by a Mr. Licklitner. The complaint is against IA for not investigating his complaint. He sued the City and lost but has now filed an appeal. The board directed the Executive Director to contact Mr. Licklitner's attorney to find out if he has a problem with the board reviewing the case.

Vice Chair Charles Lee informed the board that past board members Todd German and Roberta Lowe have offered to assist with additional training of new board members and to work on the revision of the complaint evaluation form. Fritz agreed to meet with Lowe and Thornton will meet with German.

Public Input

Todd German	Key West
Lt. Kathleen Ream	Key West

Counsel's Report

Counselor Robert Cintron discussed with the board the lack of progress the board is making reviewing complaints. He recommended two options: 1) to go to two meetings a month, 2) create subcommittees to review files and submit recommendations to the board. Adare Fritz moved that the CRB have meetings bimonthly but to allow the Executive Director to cancel the additional meeting if there is no backlog of files to review. Tony Estenoz seconded. By unanimous consent the motion carried.

Executive Director's Report

Vicki Grant informed the board that her contract is renewable effective October 1, 2005. Due to the lack of quorum at the last board meeting the board could not vote. Susan White moved to renew Grant's contract for one year effective October 1, 2005. Tony Estenoz seconded. By unanimous consent the motion carried.

Grant discussed with the board the mode of transportation to the Nacole Conference on Sunday, October 23, 2005. Grant and Dr. White will travel together, Estenoz and Thornton will travel together. Hernandez will return with Lee and Fritz will travel solo.

Complaint Reviews

- a. Board member Susan White led the discussion concerning the complaints filed by John Caris, CRB# 04-014, 015 and 013. The board determined that there was enough evidence to support the allegations that Caris was hit at the arrest location but not enough evidence to determine what actually happened and by whom. Board members agreed that it is common knowledge that this activity occurred by certain officers during the time frame that Caris was arrested. The board also

agreed that it was unlikely that Officer Rodriguez participated in any misconduct at the location where the ambulance arrived. Dr. White recommended that the board make it clear that this type of investigation is not acceptable and is not something the board would want to see in the future. The board concurred. Board member Susan White moved that in case number 04-014, battery charges are Not Sustained; that case #04-015, Truthfulness Issue charges are Unfounded and case #04-013, Truthfulness and False Arrest charges are Unfounded. Adare Fritz seconded. Vice Chairman Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Jim Thornton, and Charles Lee

Nays: None

Motion Carries.

b. Board member Adare Fritz moved to reopen the Shahdaroba Rodd complaint against Officer Sunderman. James Thornton seconded. By unanimous vote the motion passed. Following discussion Adare Fritz moved to close the case noting that the Officer was deficient in the timeliness of filing reports, the depth of his investigation and the result is that he has been counseled. Tony Estenoz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Jim Thornton, and Charles Lee

Nays: None

Motion Carries.

c. Board member Adare Fritz led the discussion concerning the complaint filed by Donna Schmitt. Fritz moved that the board not accept this case on the basis that it is a domestic dispute and should be solved in civil court. The board is satisfied with KWPD Internal Affairs' investigation and will not take any further action. Tony Estenoz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Jim Thornton, and Charles Lee

Nays: None

Motion Carries.

d. Board member Susan White led the discussion concerning the complaint filed by Chris Case. White moved that since the complainant withdrew his complaint the board does not have to act on it. Adare Fritz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Jim Thornton, and Charles Lee

Nays: None

Motion Carries.

e. Board member Susan White led the discussion concerning the complaint filed by Rosaura Hernandez. White moved that the board accept Internal Affairs' findings with the exception of changing Unfounded for Use of Force to Exonerated and commend Internal Affairs for a thorough, complete and fair investigation. Adare Fritz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Jim Thornton, and Charles Lee

Nays: None

Motion Carries.

f. Board member Tony Estenoz led the discussion concerning the complaint filed by Alfred Kennedy. Estenoz moved that the board accept Internal Affairs' report and findings. Adare Fritz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, Jim Thornton, and Charles Lee

Nays: None

Motion Carries.

Unfinished Business

a. The discussion concerning the Complaint Evaluation Form was completed under the Chairman's report.

b. Vice Chairman Charles Lee withdrew his proposal to discuss lead appointments.

New Business

Grant reported to the board that she participated in a ride-a-long with the police department. It was a rewarding experience and she encouraged the board members to also participate.

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:36 p.m.

Respectfully submitted by



Vicki Grant, Executive Director

Agenda
Citizen's Review Board Meeting
Old City Hall, 510 Greene Street

Thursday, September 8, 2005 – 6:00PM

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLIGIANCE
4. APPROVAL OF MINUTES
 - a. August 11, 2005
5. CHANGES TO THE AGENDA
6. PUBLIC INPUT
7. COUNSEL'S REPORT
8. EXECUTIVE DIRECTOR'S REPORT
 - a. Complaint Evaluation Form
9. CHAIRMAN'S REPORT
10. HEARING – Robert Cintron
 - a. John Arguelles – Caris case
11. COMPLAINT REVIEWS
 - a. Schmitt file review
 - b. Rodd file review
12. UNFINISHED BUSINESS
 - a. Lead appointments
13. NEW BUSINESS
14. MEDIA AND PRESS QUESTIONS
15. ADJOURNMENT

*No minutes. Did not
meet quorum.*

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
THURSDAY, AUGUST 11, 2005

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on August 11, 2005.

Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Lou Hernandez, Tony Estenoz, Adare Fritz, and Jim Thornton

Susan White present via telephone.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Lt. Kathleen Ream.

Absent: Charles Lee and Larry Maas

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Lou Hernandez presented the minutes of July 14, 2005. Board member Jim Thornton moved to approve. Adare Fritz seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Lou Hernandez presented the agenda. Chairman Hernandez informed the board that the hearing is postponed because the subpoena had not yet been served, therefore removed from the agenda. Board member Jim Thornton moved to approve the agenda with changes. Adare Fritz seconded. Hearing no objection, the agenda was approved.

Public Input

Shahdaroba Rodd	Key West
John Caris	Key West
Scott Harrington	Key West

Counsel's Report

Cintron suggested to the board that they continue to have the right to review a case no matter how old it is. In a civil lawsuit the Florida law provides statute of limitations of four years. It would be prudent for the board not to establish a definitive statute of limitation but should have a

general policy not to review a case that is x number years old but also allows the board the right to review or consider an old case on a case-by-case basis. The current policy states that the complaint must be filed in writing on or after November 5, 2003 but the board reserves the right to consider a complaint that occurred before that date by unanimous vote of the board. The board concurred with counsel to keep the policy flexible.

Executive Director's Report

Grant reported that the City Commission approved the CRB budget for 2005-2006.

Grant submitted the final draft of the Annual Report. Tony Estenoz moved to approve the annual report. Adare Fritz seconded. Hearing no objection the motion passed.

Chairman Hernandez reminded the board to make their decision on whether or not they are attending the NACOLE conference in October 23 – 26, 2005. Grant asked that they commit no later than August 24 if possible. Cintron announced that he is attending but not at the City's expense.

Hearing

Counselor Cintron informed the board that the process server has been unable to serve Mr. Arguelles at his home. Cintron will attempt to serve Mr. Arguelles at his home again but if he is unsuccessful will serve him at his workplace before the next board meeting.

Complaint Reviews

- a. Board member Adare Fritz led the discussion on the complaint filed by Scott Harrington. Board member Fritz moved to wait to review the complaint until the complainant's criminal trial is complete. Tony Estenoz seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, Jim Thornton and Lou Hernandez

Nays: None

Motion carries.

Note: Counselor Cintron reminded the board that it is important for them to use the complaint evaluation form that the board created when reviewing each complaint. The board concluded that they would conduct a short workshop on the use of the form at the beginning of the next board meeting.

- b. Board member Adare Fritz led the discussion on the complaints filed by Shahdaroba Rodd. Mr. Rodd informed the board that he is satisfied with the results of his first complaint against Officer Williamson CRB# 05-010. Fritz moved that the CRB

accept the [IA's] findings and dismiss the case. Tony Estenoz seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, Jim Thornton and Lou Hernandez

Nays: None

Motion carries.

- c. Board member Adare Fritz led the discussion on the second complaint filed by Mr. Rodd, CRB #04-028. The board determined that the conflict in the State Statute and case law provided by the complainant and the interpretation of the law provided by the KWPD is a court issue. Fritz moved that the CRB accept the [IA's] findings and dismiss the case. Tony Estenoz seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, Jim Thornton and Lou Hernandez

Nays: None

Motion carries.

- d. Executive Director Vicki Grant led the discussion on the complaint filed by Maxine Czirr. Pursuant to the board's direction at the July board meeting, Grant contacted the art galleries and other business establishments located on Greene Street across the street from where Ms. Czirr lived in her van to see if anyone at the galleries witnessed or took a picture of officers allegedly removing a battery from Ms. Czirr's van. None of the business owners or their employees witnessed the alleged incident. Board member Adare Fritz moved to accept the findings of IA and to close the file. Tony Estenoz seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adare Fritz, Jim Thornton, and Lou Hernandez

Nays: None

Motion carries.

Note: Counsel addressed the board concerning a board members responsibility to vote. Florida Law provides that a board member must vote unless he benefits monetarily or the vote affects a family member. He advised the board that it is better for a board member to inform the board that he is not prepared to vote and to defer the case until the next board meeting rather than to vote if he is unprepared.

Unfinished Business

Chairman Hernandez requested that the board table the discussion concerning assigning a lead to a case until board member Charles Lee is in attendance. The board agreed.

Media and Press Questions/Public Input

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:15 p.m.

Respectfully submitted by

Vicki Grant 10/13/05
Vicki Grant, Executive Director

**MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
THURSDAY, JULY 14, 2005**

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on July 14, 2005.

Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Lou Hernandez, Tony Estenoz, Adare Fritz, Charles Lee, Jim Thornton, and Larry Maas.

Also present was Attorney Robert Cintron and Executive Director Vicki Grant.

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Lou Hernandez presented the minutes of June 9, 2005. Board member Charles Lee moved to approve. Adare Fritz seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Lou Hernandez presented the agenda. Board member Larry Maas moved to approve. Charles Lee seconded. Hearing no objection, the agenda was approved.

Public Input

None

Executive Director's Report

Grant distributed the agenda for the NACOLE conference scheduled for October 23 – 26, 2005 for the board's review. Cintron emphasized that the new board members should plan to attend.

Grant reminded the board to send any changes they may have to the second annual report. Cintron issued changes at the meeting. The board requested Grant to make the changes Cintron offered and redistribute the report for board review.

Other items distributed to the board for review are as follows:

1. KWPD's register entry of complaints received to date.
2. KWPD's response to resistance report.
3. CRB records requests memo that is submitted to Internal Affairs.

Grant opened discussion regarding complaints that have been delayed because the complainant's criminal trial has been rescheduled. The board directed Grant to send a letter to the public defender explaining the CRB's policy of waiting until the criminal trial is complete if it is related to a complaint before reviewing.

Chairman's Report

Chairman Hernandez reported that he is setting up a meeting with Chief Mauldin to discuss concerns the CRB has with IA. The board defined the concerns to include 1) that it appears that complaints are not a priority but just one more task for the IA staff and 2) complaints are rarely investigated.

Chairman Hernandez asked the pleasure of the board for setting up a date for a training workshop. The board directed the Executive Director to approach the speakers to set up a date that best fit their schedules and then inform the board.

Complaint Reviews

- a. Board member Charles Lee led the discussion on the complaint filed by Mike Bernhardt. The board reviewed Chief Mauldin's response to the Board's letter dated March 2005. Board member Charles Lee moved to ask the Chief to reinvestigate the case with an outside staff person. Larry Maas seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Charles Lee, Larry Maas, and Lou Hernandez

Nays: None

Motion carries.

- b. Board member Charles Lee led the discussion on the report of Mr. Casabianca that was issued to the board by the Executive Director. Charles Lee moved that until a complaint is filed the CRB will not take action. Tony Estenoz seconded. Discussion: Larry Maas suggested that such decisions should be made on a case-by-case basis. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Charles Lee, Larry Maas, and Lou Hernandez

Nays: None

Motion carries.

- c. Board member Charles Lee led the discussion on the letter of appeal addressed to the board by complainant Richard Rutherford. Lee suggested to the Chairman that the new members of the board review the case and report back their recommendations to the board. The board discussed Lee's suggestion and concluded not to have the new

board members review the file. Board member Larry Maas moved to deny Mr. Rutherford's request to reinvestigate due to no new information having been provided compelling the board to reopen the file. Tony Estenoz seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Jim Thornton, Charles Lee, Larry Maas, and Lou Hernandez

Nays: None

Motion carries.

- d. Board member Charles Lee led the discussion on the complaint filed by Maxine Czirr. The board concluded that Ms. Czirr's complaints were of value and that even though she is now deceased her complaint did raise questions. Lee pointed out that there are inconsistencies in IA's inquiry report. Larry Maas suggested that the board take another month to review the file. Charles Lee moved to reschedule the review of Ms. Czirr's complaint until the August meeting. Larry Maas seconded. Lee amended his motion to request that the Executive Director contact the art galleries located across the street from where Ms. Czirr parked her van on Greene Street to see if anyone at the galleries witnessed or took a picture of officers allegedly removing a battery from Ms. Czirr's van. Maas seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Jim Thornton, Charles Lee, Larry Maas, and Lou Hernandez

Nays: None

Motion carries.

- e. Board member Charles Lee led the discussion on the Caris complaint. Lee moved that the board accept the investigator's report as submitted by Tom D'Aiuto Investigations. Larry Maas seconded. Discussion: Lee suggested that the interviews provided by the EMT's at the scene indicate that the alleged abuse at the Texaco Station most likely did not take place but that the alleged abuse at the time of arrest most likely did take place. Both officers mentioned at the arrest location are no longer on the force. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Jim Thornton, Charles Lee, Larry Maas, and Lou Hernandez

Nays: None

Motion carries.

Larry Maas moved to subpoena witness John Arguelles to a hearing at the August 11, 2005 board meeting. Tony Estenoz seconded. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Jim Thornton, Charles Lee, Larry Maas, and Lou Hernandez

Nays: None

Motion carries.

The board recommended that the investigator's report be used as an example of what to do on future investigations.

f. Board member Charles Lee led the discussion on the investigator's report on the Burnette complaint. Lee moved that the board send the investigator's report to the Police Chief for his use to go through the recommendations to the board by the investigator for the Chief's evaluation and response back to the board. Tony Estenoz seconded. Discussion: The board also recommended the inclusion of the investigator's resume to send to the Chief for his reference. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Jim Thornton, Charles Lee, Larry Maas, and Lou Hernandez

Nays: None

Motion carries.

New Business

Counselor Robert Cintron informed the board that he would develop a recommendation on the timing of accepting complaints.

Media and Press Questions/Public Input

None

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:15 p.m.

Respectfully submitted by


Vicki Grant, Executive Director

MINUTES-Special Administrative Meeting
CITIZEN REVIEW BOARD
OLD CITY HALL, GREENE STREET
THURSDAY, JUNE 30, 2005

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on June 30, 2005.

Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Lou Hernandez, Tony Estenoz, Adair Fritz, Charles Lee, and Larry Maas

Also present was Attorney Robert Cintron and Executive Director Vicki Grant.

Approval of Agenda

Chairman Hernandez informed the board that the sole purpose of the meeting is to discuss a new lease proposal and new office location for the CRB.

Larry Maas moved to cancel the current lease between the City of Key West/CRB and the Galey Building. Charles Lee seconded. Discussion: Lee recommended that Chairman Hernandez speak to Bob Feldman and Nathan Eden to make sure the CRB maintains a good relationship. Chairman Hernandez called the vote. Hearing no opposition the motion carries.

Charles Lee moved to accept the new lease as presented. Tony Estenoz seconded. Discussion: Counsel noted that the lease must also include that if the CRB is voted out of existence, the lease contract will terminate and that the leaseholder cannot lien City property. Counsel will make the changes and present the new lease to the City. Chairman Hernandez called the vote.

Yeas: Tony Estenoz, Adair Fritz, Larry Maas, Charles Lee and Lou Hernandez

Nays: None

Motion carries.

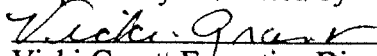
New Business

Charles Lee inquired into the possibility of board members obtaining a remote for the parking lot gate. The information was provided off of Chairman Hernandez's remote for the board's benefit. Board members are responsible for the cost of the remote.

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:15 p.m.

Respectfully submitted by


Vicki Grant, Executive Director

**MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
THURSDAY, JUNE 9, 2005**

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on June 9, 2005.

Chairman Todd German called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Todd German, Tony Estenoz, Lou Hernandez, Charles Lee, Roberta Lowe, Larry Maas and Susan White

Also present was Attorney Robert Cintron, Executive Director Vicki Grant, Lt. Kathleen Ream.

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Todd German presented the minutes of May 12, 2005. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Todd German presented the agenda. Hearing no objection, the agenda was approved. The board agreed to include on next month's agenda the discussion on lead appointments in response to Charles Lee's request.

Public Input

Lisa Burnette Key West

Counsel's Report

Counselor Robert Cintron readdressed the Cooper vs. Dillon case and how it affects the CRB regarding the 45-day confidentiality exemption in the Policeman's Bill of Rights. Cintron reinforced his position that the CRB maintain the policy to maintain confidentiality during the 45 days allowed for IA to conduct an investigation. The board concurred.

Cintron distributed a summary of an interview he conducted with one of the witnesses in the Caris complaint for the board's review. Cintron also made contact with another witness by the name of Argueles. Mr. Argueles said he did not see anything. Cintron reported that he has initiated the assistance of the investigator, Tom D'Aiuto to complete the investigation.

Cintron reported that the CRB's position regarding the union contract negotiations with the City is still a work in progress. He will follow-up and report back to the board.

Chairman German requested the advice of Counsel regarding the terms of the current board members who are replaced with new board members who cannot yet vote. The transition could lead to the lack of a quorum. The options discussed included the current board members remaining on the board until the new board members completed training. Following the selection of new board member Rev. James Thornton, Counsel determined that Thornton's previous experience with previous CRB's could allow him the approval to vote. He directed the Executive Director to document Thornton's experience in order to make this determination official. It was also noted that board member Estenoz has nearly completed his initial training.

Executive Director's Report

Grant distributed a draft of the annual report for board input.

Chairman's Report

Chairman German reviewed with the board the process for interviewing and selecting the new board member. The board then interviewed applicants James Thomsen, Rev. James Thornton and Al Sullivan. The board then ranked each applicant by issuing a score from 1 – 5 with 1 being the highest score. Grant tallied the scores. Rev. James Thornton received the highest score from the board and was welcomed to the board.

Larry Maas moved to nominate Charles Lee to serve as the new Vice Chair. Tony Estenoz seconded the motion. Chairman German called the vote.

Yeas: Lou Hernandez, Tony Estenoz, Roberta Lowe, Susan White, and Charles Lee

Nays: Larry Maas and Todd German

Motion carries.

German reported to the board that the CRB received a response from the U.S. Department of Justice regarding the Harrington, Manuel and minor arrest on February 15, 2004. The Justice Department directed the victims to file a complaint directly. This information was distributed to the complainants.

Complaint Reviews

- a. Chairman German opened the discussion on the complaint filed by Brian Gelish. The complainant alleges that he was entrapped into making statements that incriminated him. Board member Lou Hernandez moved to accept IA's finding and determined that this is a court issue. Larry Maas Chairman German called the vote.

Yeas: Charles Lee, Roberta Lowe, Larry Maas, Susan White, Lou Hernandez and Todd German

Nays: None

Motion carries.

- b. Chairman German opened the discussion on the complaint filed by Lisa Burnette. Grant informed the board that the file they received is the result of a records request to IA for the complete file of Ms. Burnette's first complaint. Ms. Burnette also addressed the board. Counsel informed the board that the four-year statute of limitations has not yet run out.

Board member Lou Hernandez moved to vary from the policy and to accept this case. Susan White seconded. Discussion: Board members expressed support of the motion based on Ms. Burnette's acquittal of all charges and her willingness to see her complaint through. Chairman German called the vote.

Yeas: Charles Lee, Roberta Lowe, Susan White, Lou Hernandez and Todd German

Nays: Larry Maas

Motion carries.

The board directed Grant to send Ms. Burnette's case to the CRB's investigator.

New Business

The board discussed the law regarding Search and Seizures and Terry Stops. Grant was directed to invite the state attorney's office to present to the board information on Terry Stops as well as attorney Sam Kaufman and a representative from the Key West Police Department.

Media and Press Questions/Public Input

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:40 p.m.

Respectfully submitted by


Vicki Grant, Executive Director



AGENDA
CITIZEN'S REVIEW BOARD MEETING
OLD CITY HALL, 510 GREENE STREET
THURSDAY, JUNE 9, 2005 – 6:00PM

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES
 - a. MAY 12, 2004
5. CHANGES TO THE AGENDA
6. PUBLIC INPUT
7. COUNSEL'S REPORT
8. EXECUTIVE DIRECTOR'S REPORT
9. CHAIRMAN'S REPORT
 - a. Board member selection
 - b. Justice Department letter - update
10. COMPLAINT REVIEWS
 - a. Brian Gelish
 - b. Lisa Burnette
11. NEW BUSINESS
 - a. Monitoring searches – Dr. White
12. MEDIA AND PRESS QUESTIONS
13. ADJOURNMENT

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
THURSDAY, MAY 12, 2005

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on May 12, 2005.

Chairman Todd German called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Todd German, Tony Estenoz, Charles Lee, Roberta Lowe, and Larry Maas.

Absent: Lou Hernandez and Susan White

Also present was Attorney Robert Cintron, Executive Director Vicki Grant, Lt. Kathleen Ream, Chief Bill Mauldin, Sgt. Jay Fisher, and Sgt. Fernando Lopez.

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Todd German presented the minutes of April 14, 2005. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Todd German presented the agenda. Hearing no objection, the agenda was approved.

Public Input

Mike Bernhardt
Scott Harrington

Chief Mauldin

Chief Mauldin addressed the board committing full support and cooperation with the Citizen Review Board. The board expressed appreciation of Chief Mauldin's comments.

Counsel's Report

Counselor Robert Cintron addressed the Cooper vs. Dillon case and how it affects the CRB regarding the 45-day confidentiality exemption in the Policeman's Bill of Rights. Cintron suggested that the CRB maintain the policy to maintain confidentiality during the 45 days allowed for IA to conduct an investigation.

Cintron reported that the union contract negotiations with the City are complete. He does not have the status of how the contract affects the CRB at this time.

Cintron successfully located a paramedic that responded to the Caris arrest however, to date he has been unreachable. Another witness, Mr. Argueles, lives in Key West. Cintron is waiting on the completion of another issue involving Argueles before making contact. The board suggested that Cintron consider working with or turning the investigation over to the CRB's investigator should he find it necessary.

Handcuff Demonstration

Monroe County Sheriff's Office Sgt. Jay Fisher and Sgt. Fernando Lopez conducted a handcuff demonstration and answered questions from the board.

Chairman's Report

Chairman German reminded the board that they will vote on a new board member at the June board meeting.

Complaint Reviews

- a. Chairman German opened the discussion on the complaint filed by Mike Mercer. The complainant alleges that two officers committed perjury themselves during the complainant's trial. It is the opinion of Counsel and the board that the complaint is a court issue.

Board member Roberta Lowe moved to accept IA's finding and determined that this is a court issue. Charles Lee seconded. Chairman German called the vote.

Yeas: Charles Lee, Roberta Lowe, Larry Maas, and Todd German

Nays: None

Motion carries.

- b. Chairman German opened the discussion on the complaint filed by Millicent Weech. The board returned the file to IA with a request for additional documents and a recommendation to the Chief to conduct an investigation. Grant informed the board that Ms. Weech received letters from IA and she is satisfied with the results of the inquiry. The documents requested were provided by IA and an explanation from the Chief on why IA closed the file.

Board member Charles Lee moved to accept the recommendation from IA to close the file. Larry Maas seconded. Chairman German called the vote.

Yeas: Charles Lee, Roberta Lowe, Larry Maas, and Todd German

Nays: None

Motion carries.

- c. Chairman German opened the discussion on the complaint filed by Mike Bernhardt. Bernhardt alleges that on the night of October 31, 2004, Sgt. David Smith abused his power and authority as a police Officer. He also alleges that Sgt. Smith was rude, unwilling to explain to Mr. Bernhardt why he was closing down Mr. Bernhardt's fundraising booth and threatening arrest if those working the booth did not comply.

Mr. Bernhardt made a request for board member Charles Lee to excuse himself because of his favorable comments made earlier regarding Lt. Ream following Chief Mauldin's address to the board. Counsel explained to Mr. Bernhardt that Mr. Lee could not legally recuse himself. Mr. Lee informed the board that he had no problem discussing the complaint.

The board discussed the problems they identified with IA's inquiry as well as systemic problems that possibly led to the complaint. These problems include 1) the conflict with IA also working street detail, 2) the conflict with a peer within the Bureau investigating a peer and, 3) the policy allowing the option to record witness statements rather than requiring the recording of all statements when conducting an inquiry. Board members also questioned the disorganization or inconsistency of what the police officer is required to do during Fantasy Fest. The board recognized that Sgt. David Smith was acting within the law. They did question his possible demeanor during the incident but all agreed that there are many conflicts in the witness statements that made it unclear what actually happened.

Board member Charles Lee moved to return the file to IA to be reinvestigated by an officer outside the bureau. Larry Maas seconded. Chairman German called the vote.

Yeas: Roberta Lowe, Charles Lee, Larry Maas, and Todd German

Nays: None

Motion carries.

Board member Charles Lee moved to recommend a policy change that all interviews are tape-recorded. Larry Maas seconded. Chairman German called the vote.

Yeas: Roberta Lowe, Charles Lee, Larry Maas, and Todd German

Nays: None

Motion carries.

- d. Chairman German opened the discussion on the complaint filed by Eugene Govan. Board member Charles Lee moved to defer the review until the criminal and civil cases are complete. Roberta Lower seconded. Chairman German called the vote.

Yeas: Roberta Lowe, Charles Lee, Larry Maas, and Todd German

Nays: None

Motion carries.

- e. Chairman German opened the discussion on the complaint filed by Richard Rutherford. Board member Charles Lee moved to accept IA's finding of Exonerated. Larry Maas seconded. Chairman German called the vote.

Yeas: Roberta Lowe, Charles Lee, Larry Maas, and Todd German

Nays: None

Motion carries.

New Business

Board member Charles Lee suggested that the board should meet twice a month, one meeting to discuss administrative issues and conduct training workshops and the other to dedicate to file reviews. Charles Lee moved that the board will meet twice a month. Larry Maas seconded. Discussion: Several board members indicated that it would be a burden for them to meet twice a month. Grant informed the board that she is planning to organize additional training workshops after all of the new board members are in place. Charles Lee withdrew his motion.

Board member Charles Lee moved that it will be a requirement of the board to participate in a ride-along with the police department. The Executive Director will coordinate a ride along with one board member per week. Larry Maas seconded. Chairman German called the vote.

Yeas: Charles Lee, Larry Maas, and Todd German

Nays: Robert Lowe, Tony Estenoz

Motion carries.

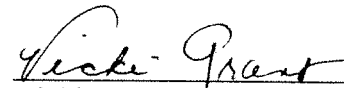
The Key West Police Department is conducting a Civilian Police Academy beginning in June. The board agreed that it would be a benefit for all board members to attend, but they did not believe they could make it a requirement due to board members various schedules and responsibilities.

Media and Press Questions/Public Input

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:30 p.m.

Respectfully submitted by



Vicki Grant, Executive Director



AGENDA
CITIZEN'S REVIEW BOARD MEETING
OLD CITY HALL, 510 GREENE STREET
THURSDAY, MAY 12, 2005 – 6:00PM

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES
 - a. APRIL 14, 2004
5. CHANGES TO THE AGENDA
6. PUBLIC INPUT
7. CHIEF MAULDIN
8. Handcuff demonstration – Lt. Ream/Sgt. Fisher
9. COUNSEL'S REPORT
10. EXECUTIVE DIRECTOR'S REPORT
11. CHAIRMAN'S REPORT
12. COMPLAINT REVIEWS
 - a. Mike Mercer
 - b. Millicent Weech
 - c. Mike Bernhardt
 - d. Eugene Govan
 - e. Richard Rutherford
13. NEW BUSINESS
 - a. Meetings per month – Charles Lee
 - b. Civilian Police Academy
14. MEDIA AND PRESS QUESTIONS
15. ADJOURNMENT

**MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
THURSDAY, APRIL 14, 2005**

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on April 14, 2005.

Chairman Todd German called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Todd German, Tony Estenoz, Charles Lee, Lou Hernandez, Roberta Lowe, Larry Maas and Susan White.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Lt. Kathleen Ream.

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Todd German presented the minutes of March 10, 2005. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Todd German presented the agenda. Hearing no objection, the agenda was approved.

Public Input

None

Counsel's Report

Counselor Robert Cintron informed the board that Broward County Officers have been indicted for filing false reports. Cintron reported that the letter to the State Attorney regarding the Harrington complaint has gone out. He has not yet received a response. The letter to the United States Department of Justice has also gone out. He does not expect to hear back anytime soon due to their caseload.

Cintron issued a subpoena to the two EMT personnel that responded to the Caris arrest. He will conduct a deposition with one person next week who is still employed locally. The other person lives out of state and a date to depose has not yet been set. Cintron informed the board that the CRB issued the subpoenas and not the courts as is provided in the Charter, therefore the costs are now minimal.

board in June. The board directed Grant to post both board positions. The board will interview applicants for Lowe's position at the June board meeting.

Complaint Review

- a. Chairman German opened the discussion on the complaint filed by Alfred Hall. Board member Larry Maas moved to postpone the discussion until the court case is completed. Lou Hernandez seconded. Discussion: Board member Lee suggested that a board member should look at the video of the arrest and listen to the audio. The board agreed that since they have not agreed to review the case that it is premature to review the video and audio. Chairman German called the vote.

Yeas: Lou Hernandez, Roberta Lowe, Tony Estenoz, Susan White, Charles Lee, Larry Maas, Todd German

Nays: None

Motion carries.

- b. Chairman Todd German opened the discussion on the complaint filed by Dr. Leete. Grant pointed out that she had misinformed the board in her summary and corrected the second paragraph to read, "Dr. Leete did not file a formal complaint through the CRB." The complaint was emailed directly to the Assistant City Manager John Johns who also responded to the complaint the same day. The City Manager informed Grant that he directed Jones to respond. Lou Hernandez suggested that perhaps the complaint was not processed according to normal procedure. The City responded without the benefit of sending the complaint to IA. Charles Lee pointed out that the complaint was filed five years after the incident, no one has been able to contact Dr. Leete and the officer is no longer on the force. Board member Lee moved that the board not review this case. Larry Maas seconded. The board again discussed whether or not there is a procedure to refer complaints to IA when they are filed through the City Manager's office. Larry Maas amended the motion to send a letter addressing the procedure with the City Manager. Lee accepted the amendment. Chairman German called the vote.

Yeas: Lou Hernandez, Roberta Lowe, Susan White, Charles Lee, Larry Maas, and Todd German

Nays: None

Motion carries.

- c. Chairman German opened the discussion on the complaint filed by Maxine Czirr. Board member Susan White moved that the board agree with IA's finding of Unfounded. Roberta Lowe seconded. Chairman German called the vote.

Executive Director's Report

Grant introduced new board member Tony Estenoz. The board reviewed the Charter requirements of a new board member before he can vote on cases to include 30 hours of training. Tony began his training on April 13. Cintron reviewed how the Florida Sunshine Law applies to the board members and the CRB as well as the Public Records law.

Grant distributed the KYPD Internal Affairs 2004 year-end reports and the updated CRB complaint register.

The board discussed scheduling a special meeting and determined that this would not be necessary.

Chairman's Report

Chairman German introduced councilman Dirk Smit who submitted a bid for the CRB attorney position. After a short presentation by Smit the board discussed the two bids, one from Smit and the other from Robert Cintron. Lou Hernandez moved that the board accept Robert Cintron's proposal. Roberta Lowe seconded. Discussion: The board determined that Cintron is the best candidate at this time due to his experience and history with the CRB and the flat rate he offered. Chairman German called the vote.

Yeas: Lou Hernandez, Roberta Lowe, Tony Estenoz, Susan White, Charles Lee, Larry Maas, Todd German

Nays: None

Motion carries.

Chairman German introduced Thomas D'Auito, an investigator who responded the CRB's RFP for an investigator. Mr. D'Auito gave a presentation to the board. The board's options are to accept the bid, submit another RFP or continue to assign investigations to council. Lou Hernandez moved to offer the position to Tom D'Auito. Larry Maas seconded. Discussion: The board reviewed the bid conditions to include that the investigator will work on an "as needed" basis. The board cannot hire additional investigators that did not respond to the bid during the term of D'Auito's contract. Chairman German called the vote.

Yeas: Lou Hernandez, Roberta Lowe, Tony Estenoz, Susan White, Charles Lee, Larry Maas, Todd German

Nays: None

Motion carries.

Chairman German led the discussion regarding the terms of his service and Roberta Lowe's service. Lowe and German informed the board that they are not seeking reappointment to the

Yeas: Lou Hernandez, Roberta Lowe, Susan White, Charles Lee, Larry Maas and Todd German

Nays: None

Motion carries.

- d. Chairman German opened the discussion on the complaint filed by Alfred Kennedy. Larry Maas moved that the board close the case based on the inability to get further information from witnesses. Lou Hernandez seconded. Lee suggested that perhaps the officer may need additional training on the use of handcuffs. Following discussion Maas amended his motion to close the file provisionally should the witnesses contact IA that they reopen the case. Chairman German called the vote.

Yeas: Lou Hernandez, Roberta Lowe, Susan White, Larry Maas, Charles Lee and Todd German

Nays: None

Motion carries.

Board member Charles Lee requested that Lt. Ream provide a handcuff demonstration at the next board meeting.

New Business


Board member Charles Lee encouraged the board to participate in ride-alongs.

Media and Press Questions/Public Input

Adjournment

There being no further business, the Chairman adjourned the meeting at 8:30 p.m.

Respectfully submitted by


Vicki Grant, Executive Director



AGENDA
CITIZEN'S REVIEW BOARD MEETING
OLD CITY HALL, 510 GREENE STREET
THURSDAY, APRIL 14, 2005 – 6:00PM

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES
 - a. MARCH 10, 2004
5. CHANGES TO THE AGENDA
6. PUBLIC INPUT
7. COUNSEL'S REPORT
8. EXECUTIVE DIRECTOR'S REPORT
 - a. Introduce new board member Tony Estonez
 - b. IA 2004 reports
 - c. CRB complaint register
 - d. Suggested Special Meeting April 28 or May 5
9. CHAIRMAN'S REPORT
 - a. CRB Attorney review and selection
 - b. CRB Investigator selection
 - c. Board vacancies
10. COMPLAINT REVIEWS
 - a. Alfred Hall
 - b. Dr. Lucas Leete
 - c. Maxine Czirr
 - d. Alfred Kennedy
11. NEW BUSINESS
 - a. Ride-along – Board member Charles Lee
12. MEDIA AND PRESS QUESTIONS
13. ADJOURNMENT

**MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
MONDAY, MARCH 10, 2005**

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on March 10, 2005

Chairman Todd German called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Todd German, Lou Hernandez, Roberta Lowe, Larry Maas and Susan White.

Absent: Charles Lee, Atavia Lopez

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Lt. Kathleen Ream.

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Todd German presented the minutes of February 7, 2005. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Todd German presented the agenda. Hearing no objection, the agenda was approved.

Public Input

Scott Harrington Key West

Counsel's Report

Counselor Robert Cintron reported that the union contract negotiations are still ongoing. The City Attorney is presenting our proposal that the City Manager agree that he would not act on a recommendation by IA until the CRB had an opportunity to review the file and make our own recommendation. The current union contract does not allow the CRB this opportunity.

Counsel reported that locating witnesses of the Caris arrest that took place in the year 2000 is difficult. He received a copy of the EMT report and it basically parrots the arresting officer's report. Locating witnesses after 4 years has been difficult. The attending physician has moved as well as one of the paramedics.

Counsel reported that German and Grant received a subpoena in connection to a lawsuit against the City of Key West. It became clear during the deposition that the incident occurred prior to the founding of the CRB. The information Counsel was looking for is not found in CRB records or history of the CRB.

Executive Director's Report

Grant reported that the CRB applicants are on the City Commission agenda for March 15, 2005 for discussion.

Chairman's Report

- a. Chairman Todd German informed the board that there appears to be one letter missing from the file of Dr. Leete's complaint and requested that the board pull this case from the agenda. The board agreed.
- b. Chairman German opened the discussion on the complaint filed by Alonzetta Thomas that is tied into IA's internal investigation involving the arrest of Ms. Thomas' son, daughter and Scott Harrington. Mr. Harrington also made a request for the CRB to review the investigation. Grant explained that multiple complaints filed by Mr. Harrington were unsubstantiated with the exception of one complaint PS#04-037 that alleges that his freedom of movement has been restricted by the Key West Police Department. The video taken by Mr. Harrington on the day of the arrest that initiated the investigation supports complaint PS#04-037. Chairman German pointed out that the video showed Harrington receiving a citation for running a stop sign on his bicycle, requiring three Officers on the scene, then within a few minutes the film shows another cyclist running a stop sign in front of the police cars without the Officers taking any action. Within a few hours one of the same Officers is involved in the arrest of Harrington while he is filming the arrest of a minor and her brother. Chairman German recommended to the board that they begin reviewing the investigation by comparing each of the 14 infractions identified by IA's investigation to IA's finding. The majority of the board disagreed with IA's finding of Not Sustained on infractions 4, 5, 6, 7, 8, and 11 and found each infraction Sustained. The majority of the board disagreed with IA's finding of Not Sustained in part for infraction 10 and found the infraction Sustained in full. Infraction 14 was not addressed by the Supervisor however the CRB found the infraction Sustained.

The arresting officer Blair Lowe was disciplined receiving 3 days suspension without pay and remedial training. Officers Mario Torres, Carter Sims and Garfield Williams were questioned about the reports they filed that supported Officer Lowe's arrest report. The IA investigation reveals that the reports do not reflect what is shown in the video, however IA found the allegations Not Sustained and exonerated the officers.

Following discussion and consideration of advice from Counsel the board concluded that there are three issues:

1. The civil rights of Harrington, Manuel and the minor have been violated.
2. Was there an illegal act committed where the officers filed reports inconsistent with what the films reveal actually occurred.
3. The findings do not support the allegations. Why did the police department see it, prove it and then ignore it?

Board member Susan White moved to 1) refer the civil rights issue to the U.S. Department of Justice; to 2) refer the question of reports inconsistent with what the films reveal actually occurred to the State Attorney; to 3) write a letter to the Chief addressing the findings not supported by the allegations, requesting an explanation, and to inform the Chief about items 1 and 2. Larry Maas seconded. Chairman German called the vote.

Yeas: Larry Maas, Susan White, Roberta Lowe, Lou Hernandez and Todd German

Nays: None

Motion carries.

- c. Chairman German opened the discussion on the complaint filed by Alfred F. Kennedy. The file revealed a minimum of six witnesses and three officers. The complainant was arrested near the front of his own home. The CAD report shows that there was a call complaining that a group of people were creating a disturbance. Two witnesses from out of town issued a statement and filed a complaint on behalf of the defendant but could not be reached once they left the City. The file does not reflect that any of the officers or witnesses was interviewed. Board Member Lou Hernandez moved to send the file back to Internal Affairs with a request to, at the very least, interview the neighbors. Larry Maas seconded. Chairman German called the vote.

Yeas: Larry Maas, Susan White, Roberta Lowe, Lou Hernandez and Todd German

Nays: None

Motion carries.

Media and Press Questions/Public Input

Adjournment

There being no further business, the Vice-Chairman adjourned the meeting at 8:50 p.m.

Respectfully submitted by



Vicki Grant, Executive Director

AGENDA
CITIZEN'S REVIEW BOARD MEETING
OLD CITY HALL, 510 GREENE STREET
THURSDAY, MARCH 10, 2005 – 6:00PM

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES
 - a. FEBRUARY 7, 2004
5. CHANGES TO THE AGENDA
6. PUBLIC INPUT
7. COUNSEL'S REPORT
8. EXECUTIVE DIRECTOR'S REPORT
9. CHAIRMAN'S REPORT – Complaint Reviews
 - a. Dr. Leete
 - b. Alonzetta Thomas
 - c. Scott Harrington
 - d. Albert Kennedy
10. NEW BUSINESS
11. MEDIA AND PRESS QUESTIONS
12. ADJOURNMENT

**MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
MONDAY, FEBRUARY 7, 2005**

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on February 7, 2005

Chairman Todd German called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Todd German, Charles Lee, Atavia Lopez, Roberta Lowe, Larry Maas and Susan White.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Sgt. David Smith

Absent: Lou Hernandez

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Todd German presented the minutes of January 10, 2005. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Todd German presented the agenda. The following topics were presented to the board to add to the agenda: 1) Discussion regarding press releases by board member Roberta Lowe, 1) Move meetings to once a month by board member Larry Maas, 3) Discussion of preparing an informative brochure regarding police practices by board member Susan White. The Chairman added these items to the Chairman's report. Hearing no objection, the agenda was approved.

Public Input

Shahdaroba Rodd	Key West
Thomas Kysek	Key West

Counsel's Report

Counselor Robert Cintron reported that the union contract negotiations are ongoing. Cintron also reported that the RFP submittal is also in progress. He recommended that the Chairman call the City Manager in an attempt to expedite the process.

Counsel reported that he has initiated the investigation into the Caris complaint. He has not been able to locate the witness Domino's pizza delivery person. The license plate number is no longer in the system and the employee records dating back to the year 2000, the year of the incident, has been destroyed. There are two other witnesses that Cintron will attempt to locate.

Executive Director's Report

Grant presented her contract for the board's review and approval. Board member Larry Maas moved to approve the contract. Atavia Lopez seconded. Hearing no objection the motion passed.

Chairman's Report

- a. Chairman Todd German opened the discussion on the Fernandez complaint. Mr. Fernandez's final correspondence to the CRB stated that he was satisfied with IA's investigation. The board discussed the process that Mr. Fernandez went through after attempting to file a report with the Key West Police Department. The board concluded that the Officer acted within policy but that he could have served Mr. Fernandez better if he had given more information regarding how and when to file an accident report. The board questioned Sgt. Smith about the department's policy for filing an accident report. The board directed Grant to track deficient service complaints to determine if there is a systemic problem. Board member Larry Maas moved deficient service/Exonerated and to close the file. Susan White seconded. Chairman German called the vote.

Yeas: Larry Maas, Susan White, Roberta Lowe, Charles Lee, Atavia Lopez and Todd German

Nays: None

Motion carries.

- b. Chairman German opened the discussion on the Cornell Barnett complaint. During an interview with Sgt. David Smith, Mr. Barnett withdrew his complaint. Mr. Barnett was satisfied that the Officer involved in his complaint is no longer with the Key West Police Department. Board member Charles Lee moved that the CRB does not review the complaint further. Larry Maas seconded. Chairman German called the vote.

Yeas: Larry Maas, Susan White, Roberta Lowe, Charles Lee, Atavia Lopez and Todd German

Nays: None

Motion carries.

- c. Chairman German opened the discussion on the complaint filed by Shahdaroba Rodd. Mr. Rodd alleges deficient service by Officer Jeff Williamson. Rodd complains that he was unable to obtain the report in a timely fashion and not within the time frame offered by Williamson. Rodd also states that the report reflects that he was involved in a "hit and run" which is also reflected in IA's report. He complains that there appears that there was no investigation or follow-up to locate the driver of the car involved in the accident or to talk to the owner or the vehicle. Rod was also mentioned as a contributing cause to the accident. Rodd denies this charge and provided documentation to support his argument. The board determined that this situation could also be a systemic problem. Mr. Rodd would have been better served had he been informed of the 10 day allowance to complete an accident report and that the Officer should not have told him the report would be ready in a certain number of days if that is not going to be the case. Cintron pointed out the significance of the date entered in the "date of the report" block; that the report is not necessarily completed on the date of the accident. The later the report is completed the less the Officer may remember. The board concluded that the information provided by Internal Affairs did not adequately reflect if the accident investigation was ever completed or when the accident report was completed and provided to the complainant. The board directed Grant to request additional information from Internal Affairs as follows:
1. The final accident investigation report
 2. An explanation of why the driver of the hit and run accident was never located even though the Officer had a name and address of the owner of the vehicle.
 3. The CAD report.
 4. The Key West Police Department's policy on completing reports.
 5. The Key West Police Department's policy on what date to enter on a report under "date of report". Is there a log kept reflecting when records are completed and submitted to the State or County Clerk
 6. Obtain the definition of "Exceptionally Closed"
- d. Board member Roberta Lowe suggested to the board that the CRB is in need of more positive press in order to recruit new board members. The board concluded that Chairman German would send out a letter to civic and social organizations to assist in the recruitment process.
- e. Board member Larry Maas suggested that the board change the meetings to once a month instead of every two weeks. Administrative issues should be submitted on a consent agenda and addressed in the board package. The board discussed options and determined that if they are meeting once a month it should be the same week each month and a day that does not conflict with holidays or other City commission or board meetings. Board member Larry Maas moved to change the meetings to once monthly. Atavia Lopez seconded. Chairman German called the vote.

Yeas: Larry Maas, Susan White, Atavia Lopez and Todd German

Nays: Charles Lee and Roberta Lowe

Motion carries.

- f. Board member Susan White suggested that the board assist in developing an educational brochure that explains basic police practices to the community. She also suggested that the board include Katherine Vogel in this effort. The board directed Grant to send information already on file from the San Jose CRB to Lt. Sauer.

Media and Press Questions/Public Input

Adjournment

There being no further business, the Vice-Chairman adjourned the meeting at 7:50 p.m.

Respectfully submitted by



Vicki Grant, Executive Director

AGENDA
CITIZEN'S REVIEW BOARD MEETING
OLD CITY HALL, 510 GREENE STREET
MONDAY, FEBRUARY 7, 2005 – 6:00PM

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLIGIANCE
4. APPROVAL OF MINUTES
 - a. January 24, 2005
5. CHANGES TO THE AGENDA
6. PUBLIC INPUT
7. COUNSEL'S REPORT
 - a. Union Contract - status
8. EXECUTIVE DIRECTOR'S REPORT
 - a. Executive Director's Contract
9. CHAIRMAN'S REPORT
 - a. Raul Fernandez complaint review
 - b. Cornell Barnett complaint review
 - c. Shahdaroba Rodd complaint review
10. CONTINUED BUSINESS
 - a. Complaint review recommendations
 - b. Board applications - status
11. NEW BUSINESS
12. MEDIA AND PRESS QUESTIONS
13. ADJOURNMENT

**MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
MONDAY, JANUARY 24, 2005**

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on January 24, 2005

Vice Chairman Lou Hernandez called the meeting to order at 6:00 p.m.

Answering roll call were Vice Chairman Lou Hernandez, Charles Lee, Atavia Lopez, Roberta Lowe, and Susan White.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Lt. Kathleen Ream, Sgt. David Smith and Capt. Bill McNeill

Absent: Larry Maas, Todd German

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Vice Chairman Lou Hernandez presented the minutes of January 10, 2005. Hearing no objections the minutes were approved.

Approval of Agenda

Vice Chairman Lou Hernandez presented the agenda. Hearing no objection, the agenda was approved.

Public Input

Sloan Bashinsky Key West

Counsel's Report

Counselor Robert Cintron reported that the City is meeting with the PBA within the week. He will have a report at the next meeting.

Vice Chairman's Report

Vice Chairman Lou Hernandez opened the discussion on the Caris complaint. Chairman German's written opinion was distributed to the board. Vice Chairman Hernandez outlined the parameters of the discussion. Counselor Cintron advised the board that they should first vote whether or not they want to review a case that took place prior to the date the board set in their policy. The board discussed the fairness of the investigation that took place in 2001. The file

does not reflect a thorough investigation. Board member Lee recommended that the board review all three cases.

Board member Susan White moved that the CRB make an exception to policy that limits the board to consider a case that took place before November 2002. Charles Lee seconded. Hearing no objection the motion passed.

Following a discussion about the complaint and the investigation report provided by IA, Charles Lee moved for the CRB to independently investigate the complaint of excessive force and battery that took place in the year 2000. Susan White seconded. Discussion: Lee suggested that the investigation should include an interview of the responding emergency medical team, an interview of the officer witnesses, an interview of the subject officer that is still working for the department, and an interpretation of the medical report. Cintron advised the board that the investigator should start fresh and not be limited to board requests.

Lee amended his motion to investigate specific areas that the board members request as well as what the investigator recommends in order to be complete, thorough and fair. Susan White seconded.

Yeas: Susan White, Roberta Lowe, Charles Lee,

Nays: Atavia Lopez, Lou Hernandez

Motion carries.

Susan White opened the discussion on the second complaint regarding a stalking charge. The vice chairman asked the board if the investigation is thorough, complete and fair and if there is enough in the file to allow the board to conduct a review. The board pointed out that there was no CAD report in the file. They also want to know if the arresting officer was assigned the arrest or was it self initiated. Sgt. Smith called the police station for the CAD report. He will provide the CRB with the report that indicates the officer was dispatched. Cintron suggested that the board wait to review this case and the third case until the first case is investigated. The board agreed by consensus to include this case in the investigation.

Roberta Lowe led the discussion on the third complaint alleging false arrest and coercion. Lowe stated that the IA report is thorough and complete. Cintron was able to include an interview with witness, Jose Moya who was the same person who filed the domestic abuse and battery charges against Caris and then recanted. There is also another possible witness that has not been interviewed that worked at Club Body Tech with Moya who has moved away. Cintron informed the board that a good investigator will be able to find this person. Board members expressed difficulty in accepting a witness that has demonstrated a lack of credibility. The board discussed Mr. Caris' belief that he is a victim of a conspiracy that links the three complaints together. The board also discussed the possibility of the genuine intent of the officer involved to help Moya with his domestic problem. The board agreed by consensus to include this case in the investigation. The board directed the Executive Director to send a letter to Mr. Caris and Chief Fortune informing them of the board's decision to investigate.

Cintron volunteered to begin gathering information and to try and locate the witness that was a former employee of Body Tech.

Continued Business

The board reviewed the City of Key West's current board and commission attendance policy. Roberta Lowe moved to approve the policy for the CRB. Atavia Lopez seconded. Hearing no objection, motion passed.

Media and Press Questions/Public Input

Lt. Ream introduced Captain Bill McNeill.

Adjournment

There being no further business, the Vice-Chairman adjourned the meeting at 7:50 p.m.

Respectfully submitted by


Vicki Grant, Executive Director

**MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL, GREENE STREET
MONDAY, JANUARY 10, 2005**

A meeting of the Citizen Review Board of the City of Key West, Florida was held in the Old City Hall on Greene Street on January 10, 2005

Chairman Todd German called the meeting to order at 6:00 p.m.

Answering roll call were Chairman Todd German and Board Members Lou Hernandez, Charles Lee, Atavia Lopez, Roberta Lowe, and Susan White.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Lt. Kathleen Ream

Absent: Larry Maas

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Chairman Todd German presented the minutes of December 27, 2004. Hearing no objections the minutes were approved.

Approval of Agenda

Chairman Todd German presented the agenda. Hearing no objection, the agenda was approved.

Public Input

John Caris	Key West
Dennis Cooper	Key West

Counsel's Report

Counselor Robert Cintron presented to the board an RFP for an attorney. This position will be advertised by the City and posted on Demand Star. The board agreed to advertise for two weeks.

Cintron expressed concern about the board's procedure when reviewing complaints. He suggested that the board limit input from IA to policy questions only. If there is something missing from the file, then the board can request that IA provide the information in writing. The board concurred.

Cintron recommended that the board conduct meetings dedicated to reviewing complaints. The board concurred.

Cintron reported that the City is meeting with the PBA within the week. He will have a report at the next meeting.

Executive Director's Report

Grant distributed an RFP for an investigator for the board's review. The board approved the RFP.

Chairman's Report

Chairman German opened the discussion concerning board attendance. German turned the floor over to board member Atavia Lopez. Lopez informed the board that she is resigning from the CRB effective when her replacement is appointed. The board directed the Executive Director (ED) to inform the City Commissioners of the board vacancy and to post the position. The ED distributed an attendance policy used by Leesburg. The board directed the ED to draft a policy applicable to the CRB for review at the next board meeting.

Chairman German opened the discussion concerning the Caris complaint, CRB#04-039, 040 and 041. Cintron reported that he interviewed Jose Moya. Board member Charles Lee moved that the board review all three complaints at the next board meeting. Lou Hernandez seconded. Chairman German called the vote.

Yeas: Charles Lee, Susan White, Roberta Lowe, Lou Hernandez, Atavia Lopez, Todd German

Nays: None

The board requested a transcribed report of Cintron's interview with Moya before the next board meeting.

Continued Business

The letter written by Chief Fortune to complainant Sloan was distributed to the board.

The board approved the draft letter addressed to the Chief regarding the Weech complaint.

The board reviewed the Walker complaint. The board offered to assist in coordinating a meeting with Mr. Walker and the Key West Police Department's public relations officer and invited him to address the CRB. Mr. Walker declined this offer. Board member Lou Hernandez moved to close the file. Susan White seconded. Discussion: Charles Lee suggested that this case is a perfect example of the need for a mediation program. Chairman German called the vote.

Yeas: Charles Lee, Susan White, Roberta Lowe, Lou Hernandez, Atavia Lopez, Todd German

Nays: None

Grant distributed to the board a draft letter to the Chief inviting him to consider a mediation program. Lou Hernandez moved to approve the letter with changes. Roberta Lowe seconded. Discussion: The board directed the ED to copy the City Manager and all of the City

Commissioners and to attach a bullet sheet that outlines the benefits of this program. Chairman German called the vote.

Yeas: Charles Lee, Susan White, Roberta Lowe, Lou Hernandez, Atavia Lopez, Todd German

Nays: None

New Business

Board member Charles Lee asked of Lt. Ream if there had been any personnel changes within the department that will have an affect on the CRB. Lt. Ream reported that Capt. McNeill and Capt. Beuth have been transferred. McNeill is now in charge of patrol and the SWAT Team and Beuth is administrative. Ream reported that this change should not adversely affect the CRB.

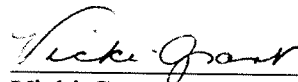
Media & Press Questions

Dennis Cooper	Key West the Newspaper
Lt. Kathleen Ream	KWPD
Clayton Lopez	Key West
John Caris	Key West

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:50 p.m.

Respectfully submitted by



Vicki Grant, Executive Director